Rejection(s) under 35 U.S.C. § 103(a)

The Examiner rejected the claims in this application as follows:

Claims 1-4 and 6-24 are rejected under 35 U.S.C. § 102(e) as being anticipated by US Patent 6,519,568 to Harvey.

Claim 5 is rejected under 35 U.S.C. § 103(a) as being obvious over further consideration of US Patent 6,519,568 to Harvey.

Claims 1, 13, 15, 19, 23 and 24 are further rejected under 35 U.S.C. § 103(a) as being obvious over further consideration of US Patent 6,152,246 to King.

Claims 1-24 are rejected under the judicially crated doctrine of obviousness-type double patenting as being unpatentable over claims 1-84 of U.S. Patent 6,519,568.

With reference to the rejections based on Harvey (6,519,568), Applicants submits that the present application is related to the invention described in Harvey. However, Applicants' invention focuses on data transfers between the WEB DATA SERVER 18 and the OPERATOR DESKTOP/DELIVERY SITE 12 (see Figure 1). The present invention describes a method and system in which data is collected at a data acquisition site and is transmitted in near real time to a remote location. In this invention, near real time transfer of a data file from a first computer to a second computer occurs over a computer network. This invention comprises a first computer (server) and a second computer (client). The key distinction of the present invention is that these transfer are implemented over a general computing/communication network using standard communication protocols used by most entities that communicate via a communication network. The invention is a data delivery mechanism that has the ability to transfer file data from a server to a client, in real-time using standard protocols such as HTTP. The present invention also launches real-time applications. In exploration and production applications, the data transfers require extensive system customization on the client side. The present invention will substantially reduce if not eliminate the need for this system customization. The present invention is not attempting to disclose the concept of data file transfer in near real-time. The present invention teaches techniques to adapt the data files such that these transfers can occur using standard protocols instead of customized protocols. The concept of the present invention as illustrated in Figure 4 shows a server-side computer connected to a client-side computer via a network. The server-side

contains a server-side script and httpstream producer class. The client-side contains a transaction controller and transaction handler. The stream producer on the server side and the stream handler on the client side work together and agree on the structure and meaning of the data stream. Each component is configured with the same standard protocol that facilitates this data transfer. Figure 2 and the method description on pages 13 through 17 further illustrate and explain this concept.

Harvey (6,519,568) describes a system for electronic data delivery. The above-mentioned Figure 1 describes the entire system described by Harvey. This system is a data delivery system for delivering oilfield data from an acquisition site to a remote delivery site. As shown, the Harvey invention has a much broader objective and focus than the Applicants' present invention. The Harvey patent does mention the transfer of data using standard protocols (HTTP) that are implemented over global communication (Col. 5, lines 8) networks. However, Harvey does not describe or suggest data transfer implementations using these standard network protocols. In the section on transmission protocols (col. 9, line 39 through col. 10, line 16, Harvey does not mention any techniques for implementing standard protocols. The suggestion of the use of a particular transmission protocol does not address problems and obstacles that must be overcome in order to implement that protocol. Nor does the mere suggestion define the specific implementations and configurations that are necessary to implement the protocol. Applicants submit that the present invention describes a real-time streamed data download system and method that is not described or contemplated by Harvey.

Examiner states that the httpstream producer of Applicants' present invention is described in Harvey. The location in Harvey (Col. 3, lines 53-60) cited by the Examiner does not discuss or describe the functions of the httstream producer of the present invention. That section of Harvey describes general capabilities of that invention. With regard to the transaction handler of Applicants' present invention, Col. 3, lines 42-48 do not discuss this function. Col. 5, lines 20 through 35 do discuss the management of workflow orders. However, this technique is different from the function of the transaction controller of Applicants' present invention. With regard to the httpstream producers and transaction handler class, the present invention provides for multiple point to multiple point data transfers (see Figure 2 of Applicants' description). The location in

Harvey cited by the Examiner describes point to multiple point data transfers. For these reasons, Applicants submit that the Harvey reference (6,519,568) as cited by the Examiner does anticipate Applicants' present invention. Applicants further submit that claim 5 is not obvious in view of Harvey. Applicants submit that the claims of the Applicants' present invention are patentably distinct from Harvey. As a result, there is not double patenting of the Harvey invention by the Applicants' present invention.

With reference to the rejections based King (6,152,246), King provides a system that includes a database adapted to store continuously measured or calculated drilling parameters. A computer can access these parameters enabling a user to observe multiple parameters graphically in real time. Applicants' present invention focuses on the transmission of data using standard transmission protocols. King does not teach, discuss or even mention protocols.

It is well established that in deciding that a novel combination is obvious, there must be supporting teaching in the prior art. The implementation of the techniques in King does not teach or suggest the techniques described in Applicants' present invention. Therefore, Applicants' submit that Applicants' present invention is not obvious in view of King. Attempts to suggest that Applicants' present invention is obvious may be described as improper hindsight. Therefore, Applicants submit that the Examiner has failed to make a prima facie case of obviousness.

In view of the above, Applicants respectfully submit that none of the art of record (alone or in combination) teaches, discloses or even suggests the invention as recited in each of Applicant's claims. Applicant further submits that all of the pending claims are in condition for allowance. Withdrawal of the rejections and passage to issuance is respectfully requested.

Applicant believes this reply to be fully responsive to all outstanding issues and place this application in condition for allowance. If this belief is incorrect, or other issues arise, do not hesitate to contact the undersigned at the below listed telephone number. No new fees are believed to be due. However, it any such fees are due, please apply any charges not covered, or any credits, to Deposit Account 19-0610 (Reference Number 59.0038).

Respectfully submitted,

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Brigitte Echols, Reg. No. 38,925
Schlumberger Technology Corporation
200 Gillingham Lane, MD 9
Sugar Land, TX 77478

Telephone: (281) 285-7067
Facsimile: (281) 285-8821